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8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA
10 SAN FRANCISCO DIVISION
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12 WAYMO, LLC,

13 Plaintiff,

14 v.

15 UBER TECHNOLOGIES, INC.;
16 OTTOMOTTO LLC; and OTTO TRUCKING
17 LLC

18 Defendants.
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CASE NO. 3:17-CV-00939

**NONPARTIES AURORA INNOVATION,
INC., CHRISTOPHER URMSON, NURO,
INC., AND DAVID FERGUSON'S
ADMINISTRATIVE MOTION TO SEAL
DEFENDANTS UBER TECHNOLOGIES,
INC. AND OTTOMOTTO LLC'S
OPPOSITION TO DISCOVERY LETTER
BRIEF**

Date: TBD

Time: TBD

Courtroom: F (15th Floor)

Judge: Hon. Jacqueline Scott Corley

Trial Date: October 2, 2017

Pursuant to Local Rules 7-11 and 79-5, nonparties Aurora Innovation, Inc., Christopher Urmson, Nuro, Inc., and David Ferguson (the “Nonparties”) submit this administrative motion for an order to seal Defendants Uber Technologies, Inc. and Ottomotto LLC’s (“Defendants”) Opposition to the Nonparties’ Discovery Letter Brief (Dkt. 1264) (“Opposition”). The Opposition contains unsupported assumptions regarding what technologies and applications the Nonparties are and are not working on, could cause significant damage to these startup companies if they remain public. *See* Declaration of Christopher Urmson in Support of Nonparties’ Discovery Letter Brief (Dkts. 1240-3, 1240-4) at ¶¶ 2–5; Declaration of David Ferguson in Support of Nonparties’ Discovery Letter Brief (Dkts. 1240-5, 1240-6) at ¶¶ 2–7. The Nonparties have made clear that any discussion of their sensitive trade secret and confidential commercial information should be designated “Highly Confidential — Attorneys’ Eyes Only” under the Protective Order in this case. *See* Nonparties’ Administrative Motion to Seal Portions of Discovery Letter Brief and Accompanying Declarations (Dkt. 1240); *see also* Declaration of Walter C. Pfeffer in Support of Motion to Seal Defendants’ Opposition at ¶¶ 2–3.

Defendants’ brazen public statements regarding information that they do not know and that has already been identified as extremely sensitive makes clear why the protective order provides the Nonparties with no comfort whatsoever that their trade secret and confidential information will remain secret. Defendants were well aware of the sensitive nature of any discussions regarding that information—they were certainly aware that the Nonparties had gone to the trouble and expense of moving to seal their Motion—and nonetheless publicly broadcast wildly unsupported assumptions regarding the Nonparties’ businesses with wanton disregard for the effect those statements could have. The Nonparties therefore respectfully request that Defendants’ Opposition be sealed immediately.

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Pursuant to Civil Local Rule 79-5(d)(2), the Nonparties will lodge with the Clerk the documents at issue, with accompanying chamber copies. The Nonparties have served all parties with this motion on August 18, 2017.

Date: August 18, 2017

Respectfully submitted,

SINGER / BEA LLP

By: 

Walter C. Pfeffer

*Attorneys for Non-Parties Aurora Innovation, Inc.,
Christopher Urmson, Nuro, Inc., and David Ferguson*

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